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JEWELL DEAN HACKETT, Clerk
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA
Plaintiff,

vs.

KENWORTH OF DOTHAN, INC.,

Defendant.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

Case No.:

1:05CV1000-T

NOTICE OF REMOVAL

Please take notice that the Defendant, Kenworth of Dothan, Inc., files this Notice of Removal of this action from the Circuit Court of Houston County, Alabama, where it is now pending under case number CV05-587, to the United States District Court for the Middle District of Alabama, Southern Division, and as grounds therefore, shows as follows:

1. This action was commenced on September 20, 2005, by the filing of a summons and complaint against the Defendant in the Circuit Court of Houston County, Alabama, a court within the Southern Division of the United States District Court for the Middle District of Alabama. A copy of all pleadings and process served upon the Defendant is attached hereto and marked as collective Exhibit "A."
2. In her Complaint the Plaintiff alleges that Kenworth of Dothan, Inc., breached the contract with Plaintiff, fraudulently misrepresented the mileage on the vehicle, negligently and/or

wantonly sold the vehicle to Plaintiff, and ***violated the Motor Vehicle Information and Cost Savings Act, 49 U.S.C. § 32701 et seq.***

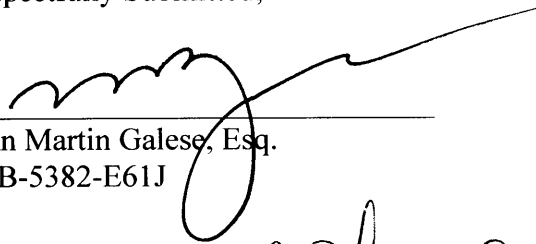
3. The Defendant was first served with and received notice of this civil action when served with the summons and complaint (Exhibit “A”) within 30 days from the date of this removal.
4. Kenworth of Dothan, Inc. is the only Defendant named in this action.
5. There are no other process, pleadings or orders that were served upon the Defendant, other than contained in Exhibit “A.”
6. Plaintiffs’ allegations relating to the mileage on the odometer of the vehicle are claims that Defendant violated a provision or provisions of the Motor Vehicle Information and Cost Savings Act, 49 U.S.C. § 32701 *et seq.* See ¶ 20 of Plaintiff’s Complaint (Ex. “A”).
7. Pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction over the Motor Vehicle Information and Cost Savings Act claim without regard to the amount in controversy or the citizenship of the parties.
8. This Court, pursuant to 28 U.S.C. § 1367(a), has supplemental jurisdiction over the Plaintiff’s apparent state law claims because the alleged violations of the Motor Vehicle Information and Cost Savings Act and the alleged state law claims arise out of a common

nucleus of operative facts and should be tried in one action, and therefore form part of the same case or controversy under Article III of the United States Constitution.

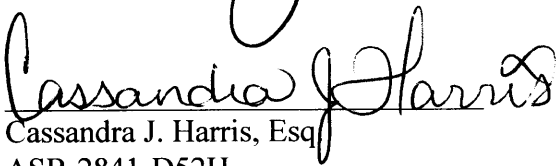
9. Removal of the entire case is proper under 28 U.S.C. § 1441.
10. Written notice of the filing of this Notice of Removal has been served upon Plaintiff's counsel and upon the Clerk of the Circuit Court of Houston County, Alabama.
11. The Defendant reserves the right to amend or supplement this Notice of Removal.

WHEREFORE, Kenworth of Dothan, Inc. prays that this Court will take jurisdiction of this action and issue all necessary orders and process to remove this action from the Circuit Court of Houston County, Alabama, to the United States District Court for the Middle District of Alabama, Southern Division.

Respectfully Submitted,



John Martin Galese, Esq.
ASB-5382-E61J



Cassandra J. Harris, Esq.
ASB-2841-D52H

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CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2005, I mailed, first class U.S. mail, with postage prepaid to the name and address shown below the enclosed pleading.

Joseph W. Lewis
John E. Byrd
Post Office Box 536
Dothan, Alabama 36302



OF COUNSEL